

**DOCKET NO. 3:10CR37-FDW-1**

**v.**

## ORDER

**THIS MATTER** is before the Court upon the Defendant's oral Motion to represent himself made on March 17, 2010. The Court conducted a hearing on the Motion at the time the Motion was made by Defendant and **DENIED** the Motion, as discussed below.

The United States Supreme Court held in Faretta v. California, 422 U.S. 806, 819 (1975), that the Sixth Amendment implicitly provides a criminal defendant an affirmative right to self-representation. To be effective, “[a]n assertion of the right of self representation must be (1) clear and unequivocal; (2) knowing, intelligent and voluntary; and (3) timely.” United States v. Frazier-El, 204 F.3d 553, 558 (4<sup>th</sup> Cir. 2000) (internal citations omitted).

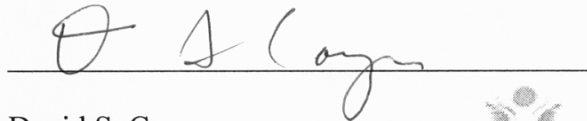
At the hearing, the Court posed several questions to Defendant in order to determine if the Defendant's request was made knowingly, intelligently and voluntarily. The Court attempted to ask Defendant the extent of his education, whether he was under the influence of alcohol or drugs, whether he understood his right to counsel and his right to self-representation, whether he understood the consequences of self-representation, and whether he understood the charges against him as well as the maximum penalties and fines. Defendant refused to answer the Court's questions and began making nonsensical statements regarding the Court having no jurisdiction over him because he is

a Moorish citizen. Ultimately, after several attempts by the Court to obtain Defendant's answers to the Court's questions, he became disruptive and the Court ordered the Marshal to remove him from the courtroom. Consequently, the Court could not make any determination regarding Defendant's Motion and therefore, Defendant's oral Motion to represent himself is **DENIED**.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: March 17, 2010

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

